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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,747	06/21/2001	Abdul Hamid Al-Azzawe	SVL9-2001-0015US1/2070P	5918
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SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			EXAMINER SHAH, AMEE A	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 01/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/886,747	AL-AZZAWE, ABDUL HAMID	
	Examiner	Art Unit	
	Amee A. Shah	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 6-8, 10-13, 25-35, 39-41 and 43-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 13-24, 35-38, 42, 47-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/21/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-52 are pending in this application. Claims 1-5, 9, 13-24, 35-38, 42 and 47-52 are examined in this action, the other claims being directed to non-elected inventions.

Election/Restrictions

Applicant's election with traverse of species Group I in the reply filed on July 14, 2005, is acknowledged. The traversal is on the ground(s) that the patentably distinct inventions do not require a "serious burden on the Examiner." (Remarks, page 3). This is not found persuasive, because the inventions are distinct, the searches required for each species group are different, and the distinct inventions and the requirement for different searches for each species do impose a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Specification

The use of the trademark NETFLIX.COM has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Examiner Note

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 9, 13, 14, 35, 36 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawecki et al., U.S. Patent Number 5,963,625 (hereinafter referred to as “Kawecki et al.”).

Referring to claim 1. Kawecki et al. discloses a method for providing a business-to-business network service for applications used by service providers (*see, e.g.*, col. 3, line 36 through col. 4, line 44), comprising the steps of:

(a) providing a central application capable of communicating with at least two applications over a public network (col. 3, lines 36-40 and col. 6, lines 16-32 – note the central application is the network control point (“NCP”), the at least two applications are the sponsors, and the public network can be telecommunications including Internet);

(b) providing a repository database for storing customer information that spans more than one of the service providers (col. 3, lines 36-47, col. 6, lines 26-30, and col. 7, lines 25-36 – note the repository database comprises the first and second ANI data tables); and

(c) allowing the applications to query the repository database through the central application, thereby making the customer information accessible to each of the applications (col. 8, lines 29-31).

Referring to claims 2 and 9. Kawecki et al. discloses the method of claim 1 wherein step (b) further includes the step of: receiving different customer information from each of the applications (claim 2) that includes one or more of a list of business customers, a customer wish list, customer rental history, and customer evaluations (claim 9) (col. 7, lines 25-36 and line 61

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through col. 8, line 29 – note the customer information including list of business customer, customer history and customer evaluations is the non-paying subscriber information).

Referring to claims 13, 14, 35, 36 and 42. All of the limitations in system and apparatus claims 13, 14, 35, 36 and 42 are closely parallel to the limitations of method claims 1, 2 and 9, analyzed above, and are rejected on the same bases.

Claims 47-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Sherr et al., U.S. Pat. App. Pub. No. US 2002/0154157 A1 (hereinafter referred to as “Sherr et al.”).

Referring to claim 47. Sherr et al. discloses a method for enhancing the display of a movie title list, the method comprising the steps of:

- (a) displaying a list of movie titles to a user (Figs. 2 and 5-10); and
- (b) displaying indicators adjacent to each movie title on the list that allow the user to take action with respect to a particular movie title, thereby eliminating the need for the user to navigate to a separate movie title page in order to take the action (Figs. 2 and 5-10).

Referring to claim 48. Sherr et al. discloses the method of claim 47 further including the step of displaying a combination of indicators from among a group comprising:

- (i) an in stock or out of stock indicator (Fig. 2 and page 6, ¶0066 – note the indicator is the redirect to preferred source),
- (ii) an already rented/purchased indicator (Figs. 2 and 14 – “Open Order Ticket”),
- (iii) an order command (Fig. 2 – “Order Page”),

- (iv) an add to wish-list command (Fig. 2 and pages 7-8, ¶¶0079-0080 – “MyList”), and
- (v) an add to shopping cart command (Fig. 2 and page 10, ¶0095 – “Order Page”).

Referring to claim 49. Sherr et al. discloses the method of claim 48 further including the step of providing icons as the indicators, wherein a click on the icon initiates a corresponding action (Figs. 2 and 5-10 and page 6, ¶0066).

Referring to claim 50. Sherr et al. discloses the method of claim 49 further including the step of using customer historical data to display the indicators (Figs. 2 and 3 and page 7, ¶0073).

Referring to claim 51. Sherr et al. discloses the method of claim 50 further including the step of using customer historical data that spans multiple rental chains (Figs. 2 and 3 and pages 6 and 7, ¶¶0066 and 0073 – note the spanning multiple rental chains incorporates the various websites to order movies).

Referring to claim 52. Sherr et al. discloses the method of claim 51, further including the step of storing the customer historical data in a repository database that spans multiple rental chains and this is accessible by the multiple rental chains (pages 7 and 12, ¶¶0073 and 0111-0113 – note the multiple rental chains are the other websites).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 15 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki et al. in view of Javed et al., U.S. Pat. App. Pub. No. US 2005/0273827 A1 (hereinafter referred to as “Javed et al.”).

Referring to claim 3. Kawecki et al. discloses the method of claim 1 as discussed above, but does not disclose wherein the service providers comprise video rental chains. Javed et al. in the same field of endeavor of e-shopping, discloses a method for internet-based distribution of video and other data, wherein the providers may comprise video rental chains (page 1, ¶0013 – note the video point-of-presence (“VPOPs”) may be any provider renting videos which inherently included video rental chains).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Kawecki et al. to include the teachings of Javed et al. to allow for the service providers to comprise video rental chains. Doing so would allow for subscribers to buy, rent, or otherwise acquire video files online.

Referring to claims 15 and 37. All of the limitations in system and apparatus claims 15 and 37 are closely parallel to the limitations of method claim 3 analyzed above and are rejected on the same bases.

Claims 4, 5, 16-19 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaweck et al. in view of Javed et al. and further in view of Sherr et al.

Referring to claims 4 and 5. Kaweck et al. in view of Javed et al. discloses the method of claim 3 as discussed above, but does not disclose wherein step (b) further includes the steps of: storing movie title information in the repository database, making the movie title information accessible by the applications, and receiving the movie title information from the movie distributors (claim 5). Sherr et al., in the same field of endeavor of e-shopping, discloses a method for selecting and delivering electronic content, including videos, wherein the database stores movie title information received from the movie distributors and accessible by the applications (pages 3, 4 and 6, ¶¶0040, 0049 and 0066 – note the information received from movie distributors is the text describing the movie and redirecting to official website of movie).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Kaweck et al. in view of Javed et al. to include the teachings of Sherr et al. to allow for the database to store movie title information accessible by the applications. Doing so would allow for users to search for movies of interest and for the website to store preferences to make recommendations, thereby allowing users to make more informed decisions as to which movie to rent, as suggested by Sherr et al. (page 8, ¶¶0081-0082).

Referring to claims 16 and 38. All of the limitations in system and apparatus claims 16 and 38 are closely parallel to the limitations of method claims 4 and 5, analyzed above, and are rejected on the same bases.

Referring to claim 17. Kawecki et al. in view of Javed et al. and further in view of Sherr et al. discloses the network service of claim 16, further including a request servlet, a notify servlet, and a data access process (Kawecki et al., col. 8, lines 29-60 – note the request servlet is the NCP receiving the query from sponsors, the notify servlet is the NCP announcement system, and the data access process is the call processing logic comparing the data).

Referring to claim 18. Kawecki et al. in view of Javed et al. and further in view of Sherr et al. discloses the network service of claim 17 wherein there is no direct customer interaction with the central application (Kawecki et al., col. 7, line 61 through col. 8, line 19 – note that no direct customer contact is implied by “through automated feed from sponsor’s billing platform”).

Referring to claim 19. Kawecki et al. in view of Javed et al. and further in view of Sherr et al. discloses the network service of claim 18, wherein the applications include point-of-sale applications, business-to-consumer applications, and business-to-business applications (Sherr et al., pages 3, 4, 6 and 12, ¶¶ 0040, 0049, 0066 and 0112-0113 – note the point-of-sale and business to consumer applications consist of the website, and the business to business applications are the interactions between the selling/renting website, official movie websites and third parties). Doing so would allow for commerce to be conducted electronically between

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various vendors and customers, to provide information useful for marketing and to use information for accounting purposes, as suggested by Sherr et al. (page 12, ¶¶0112-0113).

Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawecki et al. in view of Javed et al. further in view of Sherr et al. and further in view of Forth et al., U.S. Pat. No. US 6,853,978 B2 (hereinafter referred to as “Forth et al.”).

Referring to claim 20. Kawecki et al. in view of Jared et al. further in view of Sherr et al. discloses the network service of claim 19, but does not disclose wherein the protocol of the network service is HTTP Servlets. Forth et al., in the same field of endeavor of e-shopping, discloses a method of ordering devices including wherein the protocol of the network service is HTTP (col. 5, lines 26-32).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Kawecki et al. in view of Javed et al. further in view of Sherr et al. to include the teachings of Forth et al. to allow for the network protocol to be in HTTP servlets. Doing so would allow for a facile transfer of information.

Referring to claims 21 and 22. Kawecki et al. in view of Jared et al. further in view of Sherr et al. discloses the network service of claim 20 but does not disclose wherein the central application communicates with the applications using XML messages (claim 21) contained in Simple Object Access Protocol (SOAP) envelopes (claim 22). Forth et al., in the same field of endeavor of e-shopping, discloses a method of ordering devices including wherein the central

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application communicates with the applications using XML messages contained in (SOAP) envelopes (Forth et al., col. 11, lines 41-48)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Kawecky et al. in view of Javed et al. to include the teachings of Forth et al. to allow for the central application to communicate with other applications using XML messages contained in SOAP envelopes. Doing so would reduce or eliminate the need for human intervention during the ordering process, as explicitly disclosed by Forth et al. (col. 11, lines 41-48)

Referring to claim 23. Kawecky et al. in view of Jared et al. further in view of Sherr et al. and further in view of Forth et al. discloses the network service of claim 22 wherein the repository database further includes a first component for storing information regarding each of the service providers, a second component for storing information regarding each of the rental customers, and a third component for storing data that describes movie titles (Sherr et al., pages 5-6, ¶¶0060-0066 – note the information regarding service providers comprises the websites at which movies can be rented/purchased, and the information on rental customers is the user activity information). Doing so would allow for customers to be able to obtain movies from another source if not at one source, for website to make suggestions as to future movies to rent, and for customers to have access to information on movies to make better selections, as suggested by Sherr et al., pages 5-6, ¶¶0060-0066).

Referring to claim 24. Kaweck et al. in view of Jared et al. further in view of Sherr et al. and further in view of Forth et al. discloses the network service of claim 23 wherein the network comprises the Internet (Kaweck et al., col. 16, lines 14-21).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Noble et al., U.S. Patent No. 6,622,148 B1, discloses an interactive video title selection system and method (*see, e.g.*, columns 2-13).

(2) Whitehead, U.S. Pat. App. Pub. No. US 2002/0199182 A1, discloses a method and system for providing content using a plurality of business applications over an infrastructure (*see e.g.* pages 3-15).

(3) Business Editors, "E-VideoTV, Inc. Awards Contract To Burnt Sand Solutions Inc. To Develop An Internet-Enabled Video On Demand (VOD) E-Commerce Solution," Business Wire, New York, Sep. 13, 1999, pg 1, disclosing an e-video solution allowing customers to search, order and pay for movies online.

(4) NTT Communications Wear KK(Nite), JP 2000268099 A, discloses a video rental apparatus using the internet (*see* Abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAS

December 27, 2005


J. C. GARG
Primary Ex